

Remarks/Arguments:

The present Action correctly indicates that claims 1-20 are pending in the application. Applicants make known for the record that the instant Action should have been sent once the Office was made aware that the Action mailed October 5, 2007 contained error with respect to the number of claims pending in the application, rather than after Applicants' undersigned representative was informed by Special Program Examiner Dixon that a full response to the Action of October 5, 2007 would have to be made and that claims 1-20 would be considered pending in the application and under examination. It appears that Examiner Dixon was misinformed, however. Accordingly, Applicants now withdraw the election made in the response filed December 5, 2007, but not the amendments made to the claims therein.

In response to the requirement for restriction to a single inventive Group, Applicants elect Group II, encompassing claims 15-20 directed to compositions of cappaprenols. The election is made without traverse. Upon entry of the amendments, claims 1-20 will be pending. Claims 1-14 are withdrawn as directed to non-elected subject matter. Applicants reserve the right to pursue the subject matter of non-elected claims in this or a later-filed continuing or divisional application. Applicants also reserve their right to rejoiner of the withdrawn process claims pursuant to MPEP § 821.04 upon notification of an allowable product claim.

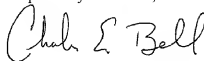
The Examiner further requires that, attendant to the election of Group II, Applicants elect (i) a specific cappaprenol from claim 15 and (ii) a specific fatty acid from claim 17. Applicants hereby provisionally elect cappaprenol 12 and palmitic acid. Applicants submit that Claims 15-20 as presented herein read on the elected species. The species elections are made without traverse. Upon allowance of a generic claim, Applicants are entitled to claim additional non-elected species that fully embrace the allowed generic claim.

Conclusion

Applicants submit that this paper is fully responsive. On the basis of the foregoing remarks, action on the merits of the claims and a Notice of Allowance thereof are respectfully requested. Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

A petition requesting a two-month extension of time and the corresponding fee are concurrently submitted. With the extension and payment of the corresponding fee, this response is due on or before April 9, 2008. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 08-1935, Reference No. 1759.236.

Respectfully submitted,

A handwritten signature in black ink that reads "Charles E. Bell". The signature is written in a cursive, flowing style.

Dated: April 9, 2008

Charles E. Bell, Reg. No. 48,128
Attorney for Applicants
Heslin Rothenberg Farley & Mesiti P.C.
Telephone: (518) 452-5600
Facsimile: (518) 452-5579
Customer Number 23405